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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/660,879

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David Matthew Oles

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EXAMINER

RENDON, CHRISTIAN E

ART UNIT

PAPER NUMBER

3714

MAIL DATE

DELIVERY MODE

04/17/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.		Applicant(s)	
	10/660,879		OLES ET AL.	
	Examiner		Art Unit	
	CHRISTIAN E. RENDÓN		3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 January 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12, 17-28, 32 and 33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12, 17-28, 32 and 33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____. | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

Response to Amendment

This office action is in response to the amendment filed 6/26/08 in which applicant amended claims 1, 11, 21, 24-26; responded to the claim rejections. Claims 1-12 and 17-21 are still pending.

Examiner's Position

The references applied in this action are both machines that accept items containing worth; specifically these machines are called automatic teller machines (ATM). In addition, gaming machines located in public locations such as arcades and casino also accept items considered valuable. Therefore the Examiner considers an ATM analogous art towards a gaming machine in terms of security, identification and verification systems.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-12, 17-27 & 32-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Artino et al. (US 6,328,208 B1) in view of DeBan (US 5,386,103)

Introduction of Artino reference

1. Artino discloses a secure depository system for banking machines (Artino: col. 1, lines 8-11), thus allowing for the depositing of items in a secure manner at an ATM. A user begins the process by swiping their ATM or smart card (Artino: col. 21, line 3) and verifying their identity through a PIN number (Artino: col. 13, lines 20-22). An exterior camera, which is always filming, thus capturing a person using the ATM (Artino: col. 3, lines 40-41). The system contains an interior camera for capturing images of the deposited items (Artino: col. 12, lines 31-36), such as cash, checks and credit slips (Artino: col. 1, lines 21-22). The interior and exterior cameras are connected to a frame splitter,

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which records both captured images into a single frame (Artino: col. 7, lines 16-20). The composite image is a receipt or record of the transaction provided to the user's smart card (Artino: col. 21, lines 1-3) and the image server **204** (Artino: col. 22, lines 17, 35-39) of the ATM network (Artino: fig. 16). Furthermore, the art suggests using the photographed images to resolve issues concerning the loss of money or the misuse of the machine (Artino: col. 20, lines 44-49). In other words, a person attempting to steal money by 'fishing' for items out of the depository (Artino: col. 1, lines 40-42) will trigger either the seismic sensor (Artino: col. 7, line 35) or the door sensor (Artino: col. 7, lines 44-45) allowing the ATM to identify the person attempting to unlawfully access the interior of the machine.

Introduction of DeBan reference

2. DeBan presents an invention that provides an improved customer identification and verification system (DeBan: col. 1, lines 42-43) towards cashing documents (DeBan: col. 1, lines 6-7). The system includes a customer ID card or "smart card" for storing a person's universal face space (UFS), which is a mathematical representation (DeBan: col. 6, lines 40-44) of a person's facial characteristics (DeBan: col. 4, lines 40-41). Thus the values are stored on the person's customer ID card or "smart card" (DeBan: col. 9, lines 59-65) and when the person swipes the card in the magnetic card reader (DeBan: fig. 2, 32) a verification process begins that will confirm a person's identity. A comparison is made between the card's values and the values generated from a current image of the person that is obtained from a camera (DeBan: fig. 1, 36) located inside towards the front of an ATM (DeBan: col. 7, lines 1-5). A successful match results in the authorization of the user to make cash transactions (DeBan: col. 1, line 54).

3. Regarding claim 1 and 24-25, Artino discloses an **internal image collection device for obtaining an image of an activity associated with the interior of a machine** (Artino: col. 12, lines 31-36). In other words, the depositing of cash (Artino: col. 1, lines 21-22) into a machine's rotatable drum (Artino: col. 6, lines 58-59) or 'fishing for items' (Artino: col. 1, lines 40-42) is considered an

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activity associated with accessing the interior of the machine. The machine transmits an image captured by the interior (Artino: col. 12, lines 31-36) and exterior camera to the image server (Artino: col. 22, lines 17, 35-39) every time a transaction occurs (Artino: col. 22, lines 35-36). In other words, **an image collection device** (internal camera) **is configured to automatically transmit an image** (composite image) **to a peripheral device** (image server) **in response to an interaction with a peripheral device** (ID card) **and the accessing of the machine's interior** (drum). The image is transmitted over a local or wide area network (Artino: col. 3, lines 57-58), thus the **peripheral device in a remote location has a communication link for communicating an image.**

4. DeBan teaches the **authorizing the use of a card** (DeBan: col. 1, lines 54-55) applied to a machine. **Stored** on said card contains a **generated** mathematical representation (DeBan: col. 6, lines 40-44) of a person's **facial information** (DeBan: col. 4, lines 40-41). Thus swiping said card at a machine cause a computer program to **read and compare the first facial information to current facial information** (DeBan: col. 7, lines 1-5). In an attempt to confirm the card holder is the card owner (DeBan: col. 2, lines 10-20).

5. At the time of the applicant's invention it would have been obvious to one of ordinary skill in the art to combine the security features of Artino and DeBan in an attempt to create a more secure machine. Artino expresses a desire to fulfill the need to create a secure depository system that accepts deposits from only authorized users (Artino: col. 1, lines 8-11). Therefore eliminating the chance that a person, who does not want to be identified, from placing destructive materials or "fishing" in the depository (Artino: col. 1, lines 41-44). Since the possibility of stolen PIN numbers is a reality, a thief can circumvent the identification and verification method of the ATM disclosed by Artino. Thus an ordinary artisan would surmise that the facial recognition system disclosed by DeBan would provide a stronger method of security for the ATM and would combine the two inventions. Hence the composite image of the art combination consists of a **current facial image** (DeBan: col. 7,

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lines 1-5) of the user (Artino: col. 3, lines 40-41) **and an image of the activity associated with accessing the interior** (Artino: col. 12, lines 31-36).

6. As stated above, the security concerns of an ATM and a gaming machine are one in the same. In addition, DeBan further explains that the system “can be applied to securities system, for example, or any system which so requires a personal identification” (DeBan: col. 10, lines 33-36). Thus preventing and capturing criminals who try to use a stolen casino card or tamper with the machine is motivation taught by both references towards machines containing and dispensing objects of value, such as gaming machines.

7. Regarding claim 2, the prior art references disclose a desire to protect the ATM and their customers. It would have been obvious to an ordinary artisan that the prior art combination provides the tools to eliminate future attempts at fraudulent transactions (DeBan: col. 1, lines 20-21) thus protecting their customers. In other words, the system has seismic sensors for detecting an attack on the ATM (Artino: col. 7, lines 35-37). The machine also contains sensors on the control panel that activate alarm devices when the panel is opened without permission (Artino: col. 8, lines 35, 38-40, 49). Any of these sensor signals will cause the machine to capture an image in response to external (Artino: col. 7, lines 7-9) and internal activity (Artino: col. 17, lines 51-53). Furthermore, DeBan suggests taking action accordingly when the comparison of a stored and current facial image fails (DeBan: col. 9, lines 52-57). Thus an ordinary artisan would require the machine to **capture and transmit the current facial image that failed a comparison match**. Images illustrating a fraudulent activity (Artino: col. 26, lines 8-10 and 15-18) are great evidence towards apprehending the criminal thus protecting an institution’s customers.

8. Regarding claims 3-4 and 10, the art combination discloses **capturing image information utilizing a mounted camera located in the front** (DeBan: fig. 1, 36). In addition, the **interior camera obtains an interior image** (Artino: fig. 2, 56).

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9. Regarding claims 7-9, a new customer must first approach the human teller station (fig. 1, 14) to open a new account. The human teller station contains a digital ccd array (DeBan: col. 3, lines 16-18) thus **the first facial image information is performed using a digital camera**. In addition, the human teller station is in a remote location compared to the ATM (DeBan: fig. 1).

10. Regarding claims 5-6, DeBan discloses the option of using a high-resolution camera or a digital ccd array to record the **first facial image** (DeBan: col. 3, lines 16-18) and **current facial images** (DeBan: col. 3, lines 28-29). Therefore the type of camera is a choice left up to the owner of the ATM system to make based on their specific needs. One of ordinary skill would also recognize that the option of an **analog camera** would require the use of an analog to digital **converter** since DeBan discloses that the data on the ATM card is recorded digitally (col. 6, lines 44-46).

11. Regarding claims 11-12 and 26-27, the art combination of DeBan and Artino discloses the claimed invention expect for a **second interior and exterior camera**. It would have been obvious to one having ordinary skill in the art at the time the invention was made to include an extra camera to film a wider field of vision, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. It is a matter of common sense to include an extra camera in the interior of a machine to film different parts that are far apart. The realization of an extra camera filming the exterior of the machine to allow different angles to be recorded is also a matter of common sense.

12. Regarding claims 17-18 and 21-23, the machine captures images in response to user input (Artino: col. 17, lines 51-53) or **trigger events**. Thus the prior art combination is responding to a triggering event consisting of swiping of a card by reading and comparing a stored facial image with a current one captured by a camera (DeBan: col. 7, lines 1-5). In addition, the card reader and the user's card are each viewed as a **peripheral device that causes the triggering event**. Thus the prior art discloses a **peripheral device** (card reader) that has a **communication link (WAN) to a**

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remote location (image server) **for communicating user interaction** (composite image) **with the peripheral**. In addition, the composite image consists of the **current facial image information** that was **compared with the facial image information stored on a card** (DeBan: col. 7, lines 1-5). As stated above, DeBan suggests taking action accordingly when the comparison of a stored and current facial image fails (DeBan: col. 9, lines 52-57). Thus an ordinary artisan would activate **an alarm condition** as taught by Artino (Artino: col. 8, lines 35, 38-40, 49) since a failed comparison indicates an unauthorized person has the card. The ordinary artisan would use the available network to **transmit the current facial image that failed a comparison match** as a means to eliminate future attempts at fraudulent transactions (DeBan: col. 1, lines 20-21) with images illustrating the fraudulent activity (Artino: col. 26, lines 15-18).

13. Regarding claims 19-20, it is well known in the art of gaming for a **triggering event to occur during the operation of a game**. DeBan and Artino are silent about the use of this identification and verification system in a gaming machine. However, DeBan further explains that this system “can be applied to securities system, for example, or any system which so requires a personal identification” (col. 10, lines 33-36). Although an ATM is not a gaming machine, both of them dispense objects of value therefore both of them require security measures to insure the well being of the user and the integrity of the machine. Therefore when the prior art combination is applied as a gaming machine, a processor or gaming controller would control the **camera and would be in communication with other peripherals**.

14. Regarding claims 28 & 33, the prior art teaches capturing images based on trigger events (Artino: col. 17, lines 51-53) and in a periodical or continuous matter based on program instructions (Artino: col. 17, lines 53-55) thus teaching submitting a user to multiple facial identification processes. DeBan and Artino both disclose a trigger event caused by a customer swiping their ATM card in the reader. Thus the art combination teaches **obtaining the first facial image information in response**

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to an initial trigger event (card swipe) **prior to an** activity such as a **game** or allowing the person access to an account. As stated above, the system is able to obtain other facial image information **based on other trigger events during** an activity such as a transaction (Artino: col. 17, lines 53-55) or **the execution of a game**. The art combination discloses a **second triggering event** caused by the user depositing an item into the ATM (Artino: col. 7, lines 16-20). During the second event, both cameras capture an image of the user and the deposited item simultaneously. Thus the art combination discloses **two triggering events**, an initial verification accomplished through their PIN number or face recognition software (DeBan: col. 7, lines 1-5) and a second event capturing an image of a person using the ATM (Artino: col. 17, lines 53-55). In addition, the art combination teaches comparing the current facial image information with a past example. Thus the combination is capable of **comparing the obtained current facial images information** from each triggering event; if an ordinary artisan chooses to periodically (Artino: col. 17, lines 53-55) confirm the user for each (Artino: col. 17, lines 30-34) transaction (Artino: col. 21, lines 1-3). Furthermore, Artino discloses **printing transaction receipts with** customer identifying data (Artino: col. 17, lines 10-14), such as **image data**. It is will known in the art that a person's image is a form of identifying data that has been used in the past by financial institutions, for example some banks offer printing the person's image on bank checks as a form of identification (DeBan: col. 6, lines 47-48) such as **verification**.

Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over Artino et al. and DeBan in view of Kofune (US 5,483,069)

15. The above description of the art combination disclosed by Artino and DeBan and the limitations they pertain is considered within this art rejection as well. Artino discloses the image server as a **tracking device** since it contains a record of all the transactions (Artino: fig. 34) related to a particular person (Artino: col. 5, lines 25-29). The combination remains silent towards disclosing a **bill validation apparatus**, however Kofune discloses said device for an ATM (Kofune: col. 1, lines 5-10).

Response to Arguments

Applicant's arguments filed 01/12/09 have been fully considered but they are not persuasive. Please refer above for clarification.

Previous Response to Arguments

16. Applicant's arguments filed 6/26/08 have been fully considered but they are not persuasive. Artino describes creating a visual record of the transaction by capturing images periodically or continuously (Artino: col. 17, lines 50-54) therefore the system is able to capture an image of a person accessing the depository or interior of the ATM during a transaction. Additionally, the system is able to capture images of a person tampering with the ATM through shaking (Artino: col. 7, line 35) or 'fishing' for items out of the depository (Artino: col. 1, lines 40-42). Both scenarios are considered activities associated with accessing the interior of the machine. As stated above, DeBan teaches implementing the disclosed security features in any system that requires a personal identification (DeBan: col. 10, lines 33-36) before granting access to a transaction that involves cashing documents (DeBan: col. 1, lines 43-45) like cash, casino money, anything of value, etc. Therefore DeBan teaches the applicant's second verification process during a payout and every other triggering event that involves providing money to a user; thus requiring the verification of the user. Furthermore as stated above Artino teaches programming the system to capture an image of a user continuously during a transaction (Artino: col. 17, lines 54-55) therefore also teaching the collection of multiple images for identification purposes.

Examiner's Note

Applicant is duly reminded that a complete response must satisfy the requirements of 37 C.F. R. 1.111, including: "The reply must present arguments pointing out the specific distinctions believed to render the claims, including any newly presented claims, patentable over any applied references. A general allegation that the claims "define a patentable invention" without specifically pointing out how

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the language of the claims is patentably distinguishes them from the references does not comply with the requirements of this section. Moreover, "The prompt development of a clear Issue requires that the replies of the applicant meet the objections to and rejections of the claims." Applicant should also specifically point out the support for any amendments made to the disclosure. See MPEP 2163.06 II(A), MPEP 2163.06 and MPEP 714.02. The "disclosure" includes the claims, the specification and the drawings.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHRISTIAN E. RENDÓN whose telephone number is (571)272-3117. The examiner can normally be reached on 9 - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dimtry Suhol can be reached on 571-272-4430. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dmitry Suhol/
Supervisory Patent Examiner, Art Unit 3714

/CHRISTIAN E RENDÓN/
Examiner Art Unit 3714
CER